

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

No. 4:11-CR-00034-F-1

UNITED STATES OF AMERICA

v.

JEFFERY JEROME CHAPMAN,
Defendant.

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ORDER

This matter is before the court on Jeffery Jerome Chapman's Motion to Reconsider Production of Sentencing Transcript at No Cost [DE-107]. In his motion, Chapman requests that the court reconsider its decision denying his request for a copy of his sentencing hearing transcript at no cost to him because he is in process of filing a motion pursuant to 28 U.S.C. § 2255.

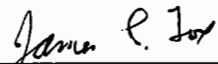
The circumstances under which the court may provide an indigent criminal defendant with a copy of a transcript are addressed in 28 U.S.C. § 753(f). Specifically, § 753(f) states that a free transcript shall be provided to an indigent criminal defendant to bring an action pursuant to 28 U.S.C. § 2255 when the trial judge certifies that the suit is not frivolous, and that transcript is necessary to decide an issue presented by the suit. 28 U.S.C. § 753(f); *see United States v. MacCollom*, 426 U.S. 317, 326 (1976). An indigent defendant must make a showing of a particularized need to obtain a free transcript. *United States v. Hill*, 34 Fed. Appx. 942, 943 (4th Cir. 2002).

Chapman notes that he is in the process of filing a § 2255 motion. However, an indigent criminal defendant may not obtain a free transcript "merely to comb the record in the hope of discovering some flaw." *United States v. Glass*, 317 F.2d 200, 202 (4th Cir. 1963).

Consequently, Chapman's Motion to Reconsider Production of Sentencing Transcript at No Cost [DE-107] is DENIED.

SO ORDERED.

This, the 10th day of July, 2015.



JAMES C. FOX
Senior United States District Judge